

REMARKS

This application has been reviewed in light of the Office Action dated December 1, 2004. Claims 1, 3-8, 10 and 18-21 are presented for examination, of which Claims 1, 8, 18 and 19 are in independent form. Claims 2, 9 and 11-17 have been cancelled without prejudice or disclaimer of subject matter, and will not be mentioned further. Claims 1, 3-5, 8, 10, 18 and 19 have been amended to define still more clearly what Applicant regards as his invention. Claims 20 and 21 have been added to provide Applicant with a more complete scope of protection. Favorable reconsideration is requested.

Initially, in response to the drawing objection in paragraph 2 of the Office Action, and the remarks in the Interview Summary attached to the Office Action, Applicant does not agree that the wrong drawings were filed in this application.¹ In response to the Examiner's requirement, Applicant submits herewith a copy of the original drawings as filed in this application.²

Second, it is noted that the priority acknowledgment provided on the summary sheet of the Office Action mentions the required certified copy of the priority document but does not state whether the copy is in the Office's file or not. In the absence of a clear indication to the contrary, and since Applicant did in fact file the required

^{1/}Applicant's attorneys have not been provided with a copy of the drawings currently in the Patent and Trademark Office' file of this application, and thus have no way of knowing what drawings the Examiner has. Should the Office maintain that the wrong drawings were filed, it is requested that a set of the drawings as filed be forwarded to Applicant for review.

^{2/}This is not listed as an amendment above, because as stated, no amendment is actually being made; the accompanying drawings are merely a duplicate of what was originally filed as part of this application.

certified copy on April 26, 2001, it is understood that the Office has acknowledged receipt of that copy.

Third, in response to the objections to the claims set out in paragraph 3 of the Office Action, the claims have been carefully reviewed and amended as deemed necessary to ensure compliance with the cited regulations (largely by adopting the Examiner's kind suggestions in this regard). Accordingly, withdrawal of the objections is respectfully requested.

Claims 1, 6-9, 18 and 19 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,298,932 (Lee et al.). In addition, Claims 3-5 and 10 were rejected under 35 U.S.C. § 103(a) as being obvious from *Lee* in view of U.S. Patent 6,203,220 (Takenoshita et al.).

In the present invention, as is described in more detail in the application, it is desired to overcome some of the inconveniences encountered with prior techniques for maintaining or restoring proper calibration of printers, to compensate for changes in their characteristics that may occur over time and that may affect the quality (for example, the evenness) of their output.

In the aspects of the present invention to which the present independent claims are respectively directed, a processing effect using a set processing condition is checked, and a comparison test pattern is printed. Data for the test pattern includes a plurality of different test pattern data. More specifically, the test pattern includes plural gradations.

More specifically, independent Claim 1 is directed to a test printing method capable of printing a test pattern and a comparison test pattern with which the test pattern is compared. In that method, there are performed steps of setting processing a condition, and

processing test pattern data including a plurality of different data, using the processing condition. Also, the test pattern is printed based on the processed test pattern data, and a judgment is made as to whether or not to print the comparison test pattern, based on a state of an input by an operation of a user. Execution of the printing step is controlled, according to Claim 1, based on a judgment made in the judging step, and in particular, when the judgment is to print the comparison test pattern, the controlling step includes controlling the printing step so that the test pattern and the comparison test pattern are printed.

Among other important features of this method are the judging step, performed “based on a state of an input by an operation of a user”, and the controlling step such that when the judgment is to print the comparison test pattern, the printing step is controlled so that the test pattern and the comparison test pattern are printed.

By virtue of these features, both the test pattern and the comparison test pattern can be printed without independently instructing printing of the test pattern and printing of the comparison test pattern.

In contrast, *Lee* relates to a gray scale calibration tool in which density calibration is effected using a standard gray scale vignette master 102 (see Fig. 1) and a stored gray scale vignette image 303 that the operator can invoke by entering an appropriate command. The two images are used to determine the proper optical density, and the density is then set based on the value obtained in this fashion. The vignette 303 is printed by the printer of interest, while the standard vignette 102 is printed by another printer.

Applicant understands that in the Examiner’s view, the vignette used in the density setting of *Lee* corresponds to the comparison test pattern of the method of Claim 1.

However, the comparison test pattern of the latter method includes patterns of a plurality of different gradations. Nothing has been found, or pointed out, in *Lee* that would suggest such a technique, since in that patent, only one gradation such as “density setting 0” is included. Further, the “density setting 0” of *Lee* is included in vignette 303 and is one of the essential gradations. For this reason, Applicant does not agree that *Lee* can be properly viewed as in any way suggesting that a judgment is made as to whether or not to print a comparison test pattern. The density setting function is an option as adjustment level and is not a test pattern for checking the processing effect using a given processing condition.

For these reasons, it is believed to be clear that Claim 1 is allowable over *Lee*, taken alone.

Moreover, even if *Takenoshita* is deemed to show all that it is cited for, and even assuming the proposed combination of these two documents would be a permissible one, the result would not meet the terms of Claim 1. Accordingly, that claim is believed to be clearly allowable over *Lee* and *Takenoshita*, taken separately or in any permissible combination (if any).

Moreover, as language that emphasizes further the point about the difference between the *Lee* vignette and the pattern of Claim 1, Applicant has provided new Claim 20, which recites that “data for the comparison test pattern is not processed using the processing conditions”.

Further, in order to clarify a specific matter of the processing condition and a structure for editing the processing condition, Applicant also has provided new Claim 21, which recites that “the processing conditions are gradation correction conditions for a plurality of colors, and the test pattern includes the patterns of the plurality of colors,” and

recites as well the steps of displaying the gradation correction conditions for the plurality of colors, and editing the displayed gradation correction conditions in accordance with an operation of a user.

Each of the other independent claims is believed to be clearly allowable over *Lee* and *Takenoshita* for at least the reasons advanced above with regard to Claim 1.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "L.P. Diana", is written over a horizontal line.

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